IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 24TH SEPTEMBER 2007 / 2ND ASWINA 1929

WP(C).No. 27030 of 2005(P)

PETITIONER:

R.RADHA, MANAGER, A.U.P.SCHOOL,
PANANGATTIRI, PALAKKAD DISTRICT.

BY ADV. SRI.P.K.SURESH KUMAR
SRI.K.P.SUDHEER

RESPONDENTS:

1. THE ASSISTANT EDUCATIONAL OFFICER,
KOLLENGODE, PALAKKAD DISTRICT.

2. THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION BUREAU,
PALAKKAD.

3. SHAILA.V. USHAS, PAZHAYANGADI,
KOLLENGODE, PALAKKAD DISTRICT.

BY ADV. SRI.M.BALAGOVINDAN
SRI.M.R.SASITH
G.P. SHRI.A.J.VARGHESE.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P(C).No. 27030/05.

APPENDIX

PETITIONER'S EXHIBITS:

P1. COPY OF THE MEMO OF CHARGES DTD.16.5.06.

P2. COPY OF THE ENQUIRY REPORT BY R1.

P3. COPY OF THE SHOW CAUSE NOTICE DTD.9.8.05 TO R3.

P4. COPY OF THE LETTER DTD.11.8.05 BY R2.

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///True copy///

P.A. to Judge.

S.SIRI JAGAN, J.

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W.P.(C).No. 27030 of 2005

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Dated this the 24th day of September, 2007

J U D G M E N T

The petitioner is the manager of an aided school. She initiated disciplinary proceedings against the third respondent, who is the headmistress in her school. However, by Ext.P4, the Deputy Superintendent of Police, Vigilance and Anti Corruption Bureau, Palakkad, directed the D.E.O. not to proceed with the departmental enquiry or action against the third respondent since a vigilance enquiry is being conducted against the third respondent.

2. I have heard the learned counsel for the petitioner, the learned Government Pleader and the learned counsel appearing for the 3rd respondent.

3. This court had granted an interim order of stay of Ext.P4 proceedings, which continues. The learned counsel for the third respondent submits that the entire disciplinary proceedings

are now over. In any event, in respect of disciplinary proceedings against the headmistress of an aided school, the Dy. Superintendent of Police, Anti Corruption Bureau has no jurisdiction to issue an order like Ext.P4. In fact, what the Vigilance and Anti Corruption Bureau usually does is to direct the authorities to suspend such teachers pending vigilance enquiry. Therefore, I am satisfied that Ext.P4 is issued without jurisdiction and therefore, the same is quashed.

The writ petition is allowed as above.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE